

REMARKS

Claim 18 has been amended. New claims 20-31 have been added. Claims 18-31 are currently pending.

Claims 18-19 and 31

Claims 18-19 stand rejected under 35 USC 103(a) as being unpatentable over USP 6,010,024 to Wang ("Wang") in view of USP 5,125,526 to Sumanis ("Sumanis"). This rejection is respectfully traversed.

Claim 18 originally recited that the liner is positioned inside the shell with the support block located side-by-side with the side wall of the container body. In contrast, even if any of the blocks 913-916 in Wang can be considered to correspond to the recited "support block", none of these blocks 913-916 can be "located side-by-side with the side wall of the container body" of the liner. In particular, the liner 7 in Wang is always suspended from the top of the shell 6. See FIG. 2 and column 2, lines 49-52 of Wang. To further highlight the claimed subject matter, claim 18 has been amended to recite that the support block contacts the bottom of the container body. As explained above, given the view in FIG. 2 of Wang, the liner 7 in Wang cannot contact any of the blocks 913-916. Thus, this amendment is not being made to narrow the scope of claim 18, so Festo does not apply.

Claims 19 and 29 depend from claim 18 and are allowable for the same reasons.

Claims 20-30

Applicant has added new claims 20-30. New claims 20-25 correspond to original claims 12-17, except that independent claim 20 (corresponding to original claim 12) has been amended in response to the suggestions made by Examiner Szumny on page 2 of the Office Action dated May 20, 2005, and to better distinguish the prior art cited in that Office Action against claim 12.

In particular, Sumanis and USP 5,390,818 to LaBuda ("LaBuda") were cited against original claim 12. However, independent claim 20 now recites that the liner is rigid. In contrast, neither Sumanis nor LaBuda disclose rigid liners, since element 40 in Sumanis is a flexible trash bag which is twisted, and the liner 100 in LaBuda is also a flexible trash bag (see FIG. 2).

In addition, claim 20 recites that the bottom of the container body is seated on top of the support block in the second raised position. As explained above in connection with claim 18, Wang does not disclose or suggest this limitation.

New independent claim 29 also recites that the liner is rigid, thereby distinguishing Sumanis and LaBuda. In addition, claim 29 recites that the container body of the liner is entirely positioned inside the shell in the first position, and part of the container body is maintained above the top end of the shell in the second raised position. None of the cited references (Sumanis, LaBuda and Wang) teach or suggest maintaining part of the container body above the top end of the shell in the second raised position.

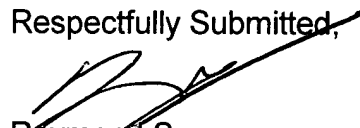
New claim 31, which depends from claim 18, also recites this "maintaining" limitation, and is submitted to contain allowable subject matter too.

Finally, new claims 28 and 30 recite that the support block has a height which is greater than the height of the base. See FIG. 2. In contrast, it is respectfully submitted that none of the cited prior art discloses or suggests a block that has a height which is greater than the height of the base.

* * *

Thus, all pending claims are submitted to be in condition for allowance. However, if the Examiner believes that the claims are not ready to be allowed, the Examiner is encouraged to telephone the undersigned with any suggestions or proposed amendments that might place the application in condition for allowance. In this regard, the undersigned had telephoned and left messages for Examiners Wujciak and Olszewski to arrange a phone interview prior to submitting this Amendment, but the undersigned did not receive any return calls from both Examiners. The applicant is anxious to expedite the prosecution and allowance of the application, and the Examiner's assistance towards this objective is greatly appreciated.

Respectfully Submitted,


Raymond Sun
Attorney for Applicant
12420 Woodhall Way
Tustin, CA 92782
Tel: 949-252-9180

CERTIFICATE OF MAILING

I hereby certify that this paper and its enclosures are being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: September 20, 2005

By: 
Raymond Sun